



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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PLEASE NOTE: Effective September 1, 2003, the street address is 29 Hazen Drive.

Lee Maserian
40 Woodcrest Road
Boxford, MA 01921

Roger Guichard
33 Sanctuary Lane
Alton Bay, NH 03810

Re: Tax Map 33, Lot 79, Unit 1
Route 28A, Alton Bay
DES Wetland File # 2003-1143

**AMENDMENT TO
ADMINISTRATIVE ORDER
No. WD 03-022**

November 24, 2003

A. INTRODUCTION

This Amendment to Administrative Order No. WD 03-022 is issued by the New Hampshire Department of Environmental Services, ("DES") to Lee Maserian and Roger Guichard, pursuant to RSA 482-A:6. DES issued Administrative Order No. WD 03-022 dated September 17, 2003 ("the Order") to Lee Maserian and Roger Guichard and recorded at the Belknap County Registry of Deeds on September 22, 2003 at Book 1949, Page 866.

B. AMENDMENT

Revise Paragraphs C. 4 through 9 of the Order to read as follows:

4. Lee Maserian is the owner of a Boathouse located at Route 28A, Alton Bay, NH, over the bed of Alton Bay, on Lake Winnepesaukee, more specifically referenced on Alton Tax Map 33, Lot 29-A ("the Property").
5. By warranty deed recorded at Book 1699, Page 80 at the Belknap County Registry of Deeds, Harold Murray conveyed two tracts of land on Route 28A in Alton. In the deed's description of Tract II, it states "Meaning and intending to convey parcel "B", Waterfront Area, containing 1,500 square feet (0.03 acres, more or less as shown on said Plan.) Also conveying with Quitclaim Covenants, all right, title and interest of the Grantor in and to the *wooden docks and boathouse* [emphasis added], which are attached to the parcel of land located on the westerly side of said Route 28A as referred to above, as shown on the said Plan referred to above."
6. On or about May 27, 2003, the Town of Alton issued a permit to Lee Maserian to "repair existing boathouse and extend roof over walkways". The application indicated that the work was to be done by Roger Guichard.
7. On or about June 4, 2003 the Town of Alton issued a permit to Lee Maserian to "extend boathouse roof" with a starting date of June, 2003.

8. The Town building permit application included a sketch and description of the project covered under the permit. Under Section K Repairs ONLY: Describe the type of repairs to be done: the applicant states "Repair North Side of Roof and Sidewall and Extend Roof Approx. 6 ft on North and West End." The sketch makes no reference to the Southern end of the Boathouse.

9. On June 9, 2003 DES personnel inspected the property in response to a complaint that a Boathouse located over the waters and bed of Lake Winnepesaukee was being expanded without a permit from the DES Wetlands Bureau. During the inspection DES personnel observed the following:

- a. The Boathouse roof was extended 7 feet north to cover a concrete and wood plank walkway located along the northerly edge of the Boathouse.
- b. The original Boathouse had not been removed.
- c. New exterior frames were constructed over existing walkways adjacent to the Boathouse or future location of the Boathouse's new side walls extending enclosed portion of the Boathouse lakeward (to the west) and widening the enclosed Boathouse area to the south.

Add Paragraphs C. 10 through 16 to the Order as follows:

10. On June 15, 2003, DES reinspected the property with Mr. Maserian, and with the contractor, Roger Guichard. DES observed the following:

- a. Work had appeared to have stopped on the Boathouse since DES's previous inspection.
- b. The Boathouse contained electricity which services a microwave oven and a refrigerator located inside. A counter with lower shelving was located adjacent to the oven and refrigerator.
- c. A pipe in the floor of the Boathouse was noted.

11. During the June 15, 2003 inspection, Mr. Guichard indicated that the wall on the southerly side of the Boathouse was built while he was sick and not on site. He said it should not have been built and will be coming down.

12. During the week of October 2003, DES personnel contacted the Town tax assessor regarding the designation of the tax maps for the subject property. The Town had no record of a Lee Maserian owning lakefront property in Alton.

13. Review of property tax card for predecessor in title, Harold M. Murray, dated May 16, 1989 contains a sketch with dimensions of the Boathouse. At that time the Boathouse outside dimensions measured 15' x 35'. The northerly walkway measured 6' x 40', and the southerly

walkway measured 7' x 34'. Comparing the Town measurements with the DES inspection shows that the walkways were extended 5' 7" over the lake on the northerly side and 5' 7" on the southerly side.

14. On October 30, 2003, DES personnel inspected the Property and observed the following:

- a. The two docking structures located on either side of the Boathouse were extended;
- b. 4" x 4" posts were also constructed beneath the end of the dock extensions to support the dock construction in the lake;
- c. Discrepancies were noted between the old and new decking;
- d. The new Boathouse front wall was extended further over the lake by 6' 8";
- e. Along the new wooden frame on the southern wall there is the frame for future door installation; and
- f. Measuring along the southern pier, the distance from the lakeward end of the dock to the landward edge of the Boathouse is 45' 9", 6' of which is concrete pad (on the tax assessment card shows this southern pier to be 34' long).

15. Lake Winnepesaukee ("the Lake") is a jurisdictional water under RSA 482-A.

16. Pursuant to Wt 101.06 "Boathouse" means a docking facility which has a permanent roof with or without sides covering the boat slip or slips.

Revise Paragraph D. 1 of the Order to read as follows:

1. Lee Maserian and Roger Guichard have violated RSA 482-A:3, I by modifying and expanding a Boathouse over the bed of the Lake without a permit from DES and without a Grant of Right from Governor and Executive Council.

Add Paragraphs D. 2 through 4 to the Order as follows:

2. Lee Maserian and Roger Guichard have violated RSA 482-A:3, I by expanding the permanent piers and walkways located in the bed of the Lake and which served as underlying support for the expanded Boathouse.

3. Lee Maserian and Roger Guichard went beyond the Town of Alton building permit by expanding the Boathouse lakeward lengthwise, not just the width as allowed by the Town's permit.


4. The Town of Alton does not have the authority to allow expansion of Boathouses over public waters without a permit from DES or without a Grant of Right from the Governor and Executive Council.


Revise Paragraphs E. 2. and 3 of the Order to read as follows:

2. Within 30 days of the date of this Order, submit a restoration plan to DES for review and approval. The restoration plan shall include a construction sequence that details the time frame for completion of the restoration, and the measures proposed to contain debris and construction materials during the restoration.
3. Within 30 days of the date of written restoration plan approval from DES, restore the Boathouse *and associated walkways* to preconstruction conditions. The Boathouse dimensions shall not exceed 35' 3 " long x 14 ' 3 " wide and the attached walkways shall not extend more than 4' 6" lakeward of the end of the Boathouse. The original roofline shall be restored and the distance between eaves shall not exceed 15'. Neither deck shall be covered. There shall be no change in the location, configuration, or construction type from that of the preexisting Boathouse without the written approval of DES.

In all other respects, Administrative Order No. WD 03-022 remains in full force and effect

This Amendment is being recorded in the Belknap County Registry of Deeds so as to run with the land.


Harry T. Stewart, P.E., Director
Water Division


Michael P. Nolin, Commissioner
Department of Environmental Services

cc: Mark Harbaugh, DES Legal Unit
Rene Pelletier, DES Land Resources Management Program
Public Information Officer, DES PIP Office
Mary Ann Tilton, DES Wetlands Bureau
Darlene Forst, DES Wetlands Bureau
Belknap County Registry of Deeds
Alton Conservation Commission
Alton Code Enforcement Officer

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